

REMARKS

Claims 1 and 3 are pending. Claims 2 and 4 are canceled. No new matter is added. The features in the claims as amended were present in the originally filed specification.

35 U.S.C. 102(a) Rejection of Claims 1 and 3

Claims 1 and 3 are rejected under 35 U.S.C. 102 (a) as being anticipated by Hironori et al. (JP 2001 275584). Applicants respectfully traverse the rejection of the claims. The Examiner states that it is inherent that the starch is edible because it is applied into a food and that it is well known in the art that starch is present in foods to help with gelation/thickness as taught by Hironori et al. The Office Action then states that applicant's invention is directed to a food product comprising a starch as taught by Hironori et al.

Applicants hereby submit and emphasize that it is very important to understand that the present invention is directed to an instant food which is reconstitutable by the addition of hot water thereto. Thus, the instant food of the present invention provides, by the addition of hot water, a food which can be eaten directly. Hironori et al. merely disclose the addition of soybean polysaccharides to a food, but are silent as to whether or not the food containing soybean polysaccharides is reconstitutable by the addition of water as is a feature set forth in the present claims. Simply stated, Hironori et al. neither teach nor suggest that the addition of soybean polysaccharides to a food provides an instant food which is reconstitutable by the addition of hot water to provide a food which can directly be eaten. Therefore, the present invention is clearly distinguishable from the cited reference of Hironori et al.

As set forth above, Hironori et al. fail to teach at least one feature present in applicants invention. Accordingly, applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. 102(a) rejection of claims 1 and 3.

35 U.S.C. 103(a) Rejection of Claims 1 and 3

Claims 1 and 3 have been rejected under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent. No. 3,987,207 to Spaeti et al. in view of U.S. Pat. No. 5,980,957 to Nishinomiya et al. The Examiner admits that Spaeti et al. fails to disclose the presence of a water-soluble polysaccharide. It is later opined that because Nishinomiya et al. teach a powdery seasoning for instant foods including instant potage soup comprising brewed soybean paste, dried and pulverized soy, etc., it would not have involved an inventive step to modify Spaeti et al. with the teachings of Nishinomiya et al. by incorporating a soybean component into the instant food mix for the purpose of seasoning.

However, Nishinomiya et al. merely discloses the addition of brewed soybean paste or dried and pulverized soy to an instant food as a seasoning, but neither teach nor suggest the use of soybean-derived water-soluble polysaccharides. In this connection, it should clearly be understood that the legume-derived water-soluble polysaccharides as used in the present invention are basically different from the brewed soybean paste or dried and pulverized soy as used by Nishinomiya et al. in their composition and function. In addition to that, Nishinomiya et al. use the brewed soybean paste and the dried and pulverized soy for the purpose of seasoning, while the legume-derived water-soluble polysaccharides are used in the present invention for the purpose of achieving uniform reconstitution of a powder and not of seasoning. Thus, as there is no teaching, suggestion or motivation in Nishinomiya et al. to modify the invention of Spaeti et

al. to arrive at the present invention, the present invention cannot be derived from Spaeti et al. even in combination with Nishinomiya et al. Therefore, the present invention is clearly distinguishable from the art of Spaeti et al. and Nishinomiya et al.

Accordingly, applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. 103(a) obviousness rejection of claims 1 and 3.

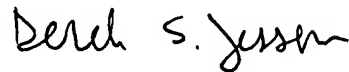
CONCLUSION

For the reasons discussed above, Applicant's present invention, as recited in the claims now more clearly and particularly is patentable. Reconsideration and withdrawal of all rejections objections in this case is hereby respectfully requested.

Please charge any deficiency or credit any overpayment to Deposit Account No. 16-0750.

If further matters remain in connection with this case, the Examiner is invited to telephone the applicant's undersigned representative to resolve them.

Respectfully submitted,



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